



Federal Communications Commission  
Washington, D.C. 20554

January 19, 2007

DA 07-112

Mr. Richard Duran  
Vice President  
Colorado Materials Holding Corporation  
3525 Wabash Street  
Colorado Springs, CO 80906-1525

RE: Petition for Reconsideration of Cancellation of License for Station WPRK272

Dear Mr. Duran:

This letter addresses the petition you filed on behalf of Colorado Materials Holding Corporation (CMHC) for reconsideration of the cancellation of the license for Trunked 900 MHz Business Radio Service Station WPRK272, licensed to Colorado Materials.<sup>1</sup> On February 7, 2005, an application was filed seeking the cancellation of the license for Station WPRK272.<sup>2</sup> The application was granted and the license cancelled on February 8, 2005. CMHC contends that it did not file this cancellation request, and that it did not authorize anyone else to request the cancellation on its behalf.<sup>3</sup> Accordingly, CMHC requests that the Commission reinstate the license for Station WPRK272 and initiate an investigation into the matter.<sup>4</sup> For the reasons discussed herein, we deny the petition.

Section 1.917(a) of the Commission's Rules specifies who may sign FCC applications.<sup>5</sup> Applications and related statements of fact required by the Commission must be signed (either electronically or manually) (1) by the applicant, if the applicant is an individual; (2) by one of the partners if the applicant is a partnership; (3) by an officer, director, or duly authorized employee, if the applicant is a corporation; (4) by a member who is an officer, if the applicant is an unincorporated association; or (5) by the trustee if the applicant is an amateur radio service club. With regard to electronic filings, Section 1.917(d) provides that an electronic signature shall consist of the name of the applicant transmitted electronically via ULS and entered on the application as a signature.<sup>6</sup>

A review of our licensing records reveals that Randle W. Case, Chief Executive Officer, entered his name on the electronically filed application canceling the subject license. CMHC does not dispute that Mr. Case submitted the application, or that Mr. Case is an officer of Colorado Materials. Commission staff contacted CMHC and offered it the opportunity to supplement its petition in this regard, but CMHC did not provide any additional information. Based on the record before us, we deny

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<sup>1</sup> See Petition for Reconsideration filed by Colorado Materials Holding Corporation (filed Mar. 4, 2005) (Petition).

<sup>2</sup> See FCC File No. 0002036574 (filed Feb. 7, 2005).

<sup>3</sup> See Petition at 1.

<sup>4</sup> *Id.* at 1-2.

<sup>5</sup> 47 C.F.R. § 1.917(a).

<sup>6</sup> 47 C.F.R. § 1.917(d).

CMHC's petition for reconsideration because CMHC has not demonstrated that Mr. Case was not authorized to sign the license cancellation application.

ACCORDINGLY, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Sections 1.106 and 1.917 of the Commission's Rules, 47 C.F.R. §§ 1.106 and 1.917, IT IS ORDERED that the petition for reconsideration filed by Colorado Materials Holding Corporation on March 4, 2005 IS DENIED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau